

REMARKS

Claims 1, 2, 7 and 8 are cancelled; and claims 3-6 and 9-12 are pending in the application.

Claims 3-6 and 9-12 stand rejected solely for obviousness-type double patenting over claims of U.S. Patent No. 6,718,858 and 6,508,154. A Terminal Disclaimer was provided with a previous response to overcome such obviousness-type double patenting rejections. The Examiner indicates that such Terminal Disclaimer is not accepted, and indicates that the record of the present application fails to show that the person signing the Terminal Disclaimer (specifically, David G. Latwesen) was authorized to act on behalf of the Assignee. Applicant respectfully disagrees with the Examiner's position, and refers the Examiner to a Power of Attorney filed in the grandparent application (U.S. Application Serial No. 09/176,479) that specifically includes David G. Latwesen among a list of appointed practitioners. A copy of the Power of Attorney is provided herewith.

Since David G. Latwesen has Power of Attorney for the present application, the previously-filed Terminal Disclaimer should be accepted, and claims 3-6 and 9-12 should be allowed in the Examiner's next action.

Respectfully submitted,

Dated: March 2, 2005

By: 

David G. Latwesen, Ph.D.  
Reg. No. 38,533

*Enclosure: Copy of Power of Attorney from grandparent (U.S. application serial No. 09/176,479)*

S:\M22\2453\M02.DOC A2702281418N

PAT-USVAM-NEWRULES.wpd